

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - VAR-14345 - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL**

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**\*\* CONDITIONS \*\***

The Planning Commission (4-3/ds/lb/bg vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to the Conditions for General Plan Amendment (GPA-14325), Rezoning (ZON-14338), Variance (VAR-14342), Variance (VAR-14347), Special Use Permit (SUP-14339), Vacation (VAC-12884) and Site Development Plan Review (SDR-14349) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Variance to allow lot coverage of 56 percent where 50 percent is the maximum allowed in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10<sup>th</sup> Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14347, SUP-14339, VAC-12884 and SDR-14349.

**EXECUTIVE SUMMARY**

The proposed development plan exceeds the permitted lot coverage allowed under the C-1 (Limited Commercial) zoning regulations. The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development plan to comply with lot coverage requirements.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |   |
|----------|---|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9 <sup>th</sup> Street. The Planning Commission recommended approval of the request on 04/13/72.  |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 <sup>th</sup> Street.   |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 <sup>th</sup> Street.   |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |
| 09/07/06 | The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342 and SDR-14349 concurrently with this application.   |

09/07/06 The Planning Commission voted 4-3/lb/ds/bg to recommend DENIAL (PC Agenda Item #20/ff).

***B) Pre-Application Meeting***

05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

***C) Neighborhood Meeting***

07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:

- Concern about the reduction in parking;
- Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
- Concern about traffic impacts on the neighborhood to the north;
- Concern about construction noise;
- Concern about sewer capacity;
- Concern about power availability;
- Concern about the provision of recreation space for residents of the project;
- Concern about public transportation access and bus turnout facilities; and
- Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 2.05

***B) Existing Land Use***

Subject Property: Single-Family Residential Use  
Office Use  
General Commercial Use  
North: Office Use  
South: Office Use  
General Commercial Use  
East: Single-Family Residential Use  
Office Use  
General Commercial Use  
West: Single-Family Residential Use  
Office Use

**C) Planned Land Use**

Subject Property: C (Commercial)  
MXU (Mixed-Use) [Proposed: C (Commercial)]  
North: MXU (Mixed-Use)  
South: C (Commercial)  
East: C (Commercial)  
West: MXU (Mixed-Use)

**D) Existing Zoning**

Subject Property: R-4 (High-Density Residential)  
P-R (Professional Office and Parking)  
C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]  
North: R-1 (Single Family Residential)  
P-R (Professional Office and Parking)  
South: C-1 (Limited Commercial)  
East: R-4 (High-Density Residential)  
P-R (Professional Office and Parking)  
C-2 (General Commercial)  
West: R-1 (Single Family Residential)  
P-R (Professional Office and Parking)

**E) General Plan Compliance**

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

<b>SPECIAL DISTRICTS/ZONES</b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Redevelopment Plan Area	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Neighborhood</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Redevelopment Plan Area**

As previously noted, the development site is within the boundaries of the Las Vegas Redevelopment Plan area, and it is proposed to change the land use designation to C (Commercial). The proposed commercial uses are consistent with the proposed land use designation; the residential uses are allowed in commercial districts upon approval of a special use permit.

**A) Zoning Code Compliance**

**A1) Development Standards**

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Requested</b>	<b>Compliance</b>
Max. Lot Coverage	50 %	56%	N

The project exceeds the maximum lot coverage permitted in the C-1 (Limited Commercial) zoning district, necessitating the submittal of this application.

**B) General Analysis and Discussion**

The development as proposed will consist of two tower structures joined by a multi-story parking structure. An entrance plaza will be provided adjacent to the intersection of Charleston Boulevard and 10<sup>th</sup> street, and sidewalk areas with street trees will be provided along all street frontages. Landscape buffer areas will be provided at the rear of the structures, along the reconfigured alleyways.

Despite the provision of these amenities, the lot coverage of the structure will still exceed the 50% maximum required by the C-1 (Limited Commercial) district development standards. The development parcel has no unusual characteristics that prevent compliance with the code requirement; the project could easily be redesigned to conform to the lot coverage limitation.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and

undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship in designing a project that exceeds the maximum permitted lot coverage. An alternative design would allow conformance to Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 294 by City Clerk

**APPROVALS** 3

**PROTESTS** 1